

the all the features of the claimed invention. For example, the cited prior art fails to disclose, teach or suggest the claimed invention wherein soft decisions provided by the decoder are the basis for estimating the error probability for a given number of bits in a frame for a received signal, as recited in all the independent claims and their respective dependent claims.

As stated in the previous response, Muller utilizes prior art methods in FER estimation (col. 5, lines 26-27; "measurements can follow standard kinds of frame error rate measurements"). Although Muller mentions the concept of soft decisions, Muller does not utilize them in error correction.

The Office Action asserted that Rick remedies this deficiency of Muller by allegedly teaching estimation of error probability for a given number of bits in a frame based on soft decisions provided by a decoder. However, Applicant respectfully submits that the Office's analysis of Rick is incorrect. In fact, Rick actually teaches calculating the Cyclic Redundancy Check (CRC) bits after a Viterbi decoder (see, Rick paragraphs [0009], [0011], [0027], [0029]). However, Rick fails to teach or suggest use of soft decisions for error correction. In fact, Rick does not even mention soft decisions at all.

Contrary to the rationale of the Office Action, one skilled in the art would have been aware that CRC is conventionally calculated using hard decisions. Thus, Rick does not teach or suggest the claimed use of soft decisions to estimate the probability of correct frames for the received signal based on the soft decisions provided by the decoder.

In fact, Rick fails to teach or suggest anything new beyond what is already disclose in Muller. Accordingly, Rick merely teaches in more detail on the subject of one particular conventional type of FER measurement methodologies mentioned also in Muller.

As a result, the combined teachings of Muller and Rick fail to disclose, teach or suggest soft decisions provided by the decoder are the basis for estimating the error probability for a given number of bits in a frame for a received signal, as recited in all the independent claims and their respective dependent claims.

Similarly, Tong fails to remedy the above-identified deficiency of Muller and Rick because Tong merely discloses a method of controlling transmission power, wherein a mobile unit receives power control bits, each of which being respectively received during a power control period. The mobile unit determines if each of the power control bits indicates that the transmission power should be increased. The mobile unit then increases the transmission power by a predetermined amount each time it determines that one of the power control bits indicates that the transmission power should be increased. Thus, Muller and Rick, analyzed

individually or in combination with Tong, fail to disclose, teach or suggest estimating the probability that a time frame includes a certain number of erroneous bits.

Similarly, Mitra fails to remedy the deficiencies of the other cited prior art references because Mitra merely discloses determining the transmission power of a wireless terminal for transmitting a signal representing information of a particular information class to a base station capable of receiving signals for a plurality of information classes based on a probability measure indicating received signal outage durations that would likely occur over a time interval. Thus, Muller and Rick, analyzed individually or in combination with Tong and/or Mitra, fail to disclose, teach or suggest estimating the probability that a time frame includes a certain number of erroneous bits.

Further, Denkert fails to remedy the deficiencies of the other cited prior art references because Denkert merely discloses a method and system for controlling a transmit power level based upon queue delay for packets in a wireless packet data system. Thus, Muller and Rick, analyzed individually or in combination with Tong, Mitra and/or Denkert, fail to disclose, teach or suggest estimating the probability that a time frame includes a certain number of erroneous bits.

Shah fails to remedy the deficiencies of the other cited prior art references because Shah merely teaches a telecommunications system and method for analyzing the speech quality, e.g., the Bit Error Rate (BER), on the forward and reverse links to determine whether the links are balanced. Thus, Muller and Rick, analyzed individually or in combination with Tong, Mitra, Denkert and/or Shah, fail to disclose, teach or suggest estimating the probability that a time frame includes a certain number of erroneous bits.

Finally, Gatherer fails to remedy the deficiencies of the other cited prior art references because Gatherer merely discloses a technique utilized in a wireless communication system, wherein coded bits and an interleaved version of the coded bits are separately modulated and transmitted. Thus, Muller and Rick, analyzed individually or in combination with Tong, Mitra, Denkert, Shah and/or Gatherer, fail to disclose, teach or suggest estimating the probability that a time frame includes a certain number of erroneous bits.

Accordingly, the cited prior art fails to disclose, teach or suggest the claimed invention.

Accordingly, all pending claims are allowable. All objections and rejections having been addressed, Applicant requests issuance of a notice of allowance indicating the allowability of the pending claims. However, if anything further is necessary to place the

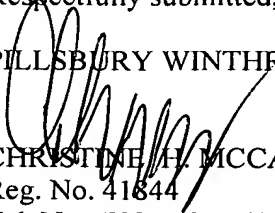
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application in condition for allowance, Applicant requests that the Examiner telephone the undersigned Applicant representative at the number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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